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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

DAVID R. GARCIA,  
  
Plaintiff,  
  
v.  
  
TANI CANTIL-SAKAUYE, et al.,  
  
Defendants.

Case No. 1:20-cv-01077-NONE-JLT (PC)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS, DISMISSING  
ACTION FOR FAILURE TO STATE A CLAIM  
AND DIRECTING THE CLERK OF THE  
COURT TO CLOSE THIS CASE

Plaintiff David R. Garcia, a state prisoner proceeding *pro se* and *in forma pauperis*, filed this civil rights action under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

Plaintiff alleges that that defendant Tani Cantil-Sakauye, Chief Justice of the California Supreme Court, violated his Fourteenth Amendment due process and equal protection rights by denying his petition for writ of habeas corpus filed with the state's highest court and that defendants Randolph Grounds and Ken Allen violated his Fourteenth Amendment due process and equal protection rights by denying him parole, thereby entitling him to a new parole hearing and damages. (Doc. No. 1.) On April 21, 2021, the assigned magistrate judge screened the complaint and determined that it fails to state a cognizable claim under 42 U.S.C. § 1983. (Doc. No. 12.) In particular, the magistrate judge found that defendant Cantil-Sakauye is entitled to absolute judicial immunity, and defendants Grounds and Allen, as California Parole Board officials, are

1 entitled to absolute quasi-judicial immunity from suits from prisoners over decisions to grant,  
2 deny, or revoke parole. (*Id.* at 5.) The magistrate judge further found that the deficiencies of  
3 plaintiff's complaint cannot be cured by amendment and therefore recommended dismissal of this  
4 action with prejudice. (*Id.*) Plaintiff filed objections, received by the court on May 7, 2021, to  
5 the pending findings and recommendations. (Doc. No. 15.) Therein, plaintiff cites to a number  
6 of legal propositions, but none refute the findings that the named defendants are protected under  
7 the law from liability in this case by absolute immunity.<sup>1</sup>


8 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a  
9 *de novo* review of this case. Having carefully reviewed the entire file, the court finds the findings  
10 and recommendations to be supported by the record and proper analysis.

11 Accordingly,

- 12 1. The findings and recommendations issued on April 21, 2021 (Doc. No. 12) are  
13 adopted in full;
- 14 2. This action is dismissed with prejudice; and
- 15 3. The Clerk of the Court is directed to assign a district judge to this action for  
16 purposes of closure and to close this case.

17 IT IS SO ORDERED.

18 Dated: May 28, 2021

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UNITED STATES DISTRICT JUDGE

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26 <sup>1</sup> Plaintiff also objects to the magistrate judge dismissing his action in light of the fact that he has  
27 not consented to magistrate judge jurisdiction in this case. (Doc. No. 13 at 1.) This objection is  
28 without merit because the magistrate judge has only recommended dismissal. By this order, the  
undersigned is reviewing that recommendation *de novo* and is making the determination of  
whether dismissal is appropriate.